

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

QVC, INC.

Plaintiff,

vs.

Q VISION NETWORK, INC.,

Defendant.

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Civil Action No. 02-CV-2874

PLAINTIFF QVC, INC.'S MOTION FOR DEFAULT JUDGMENT

Pursuant to Rule 55 of the Federal Rules of Civil Procedure, Plaintiff, QVC, Inc., respectfully moves this Court to enter a Default Judgment in favor of Plaintiff and against Defendant, Q Vision Network, Inc., in the form of the Order submitted herewith.

In support hereof, Plaintiff states as follows:

1. Plaintiff filed its Complaint with the Court on May 14, 2002.
2. The Summons and Complaint were personally served upon Scott Singer, President of and Statutory Agent for Defendant Q Vision Network, Inc. on May 20, 2002, at 7944 East Beck Lane, Scottsdale, AZ 85260, as set forth in the copy of the Proof of Service attached hereto and incorporated herein as Exhibit A.
3. Defendant was advised and notified of the pendency of this action and was afforded an opportunity to present its objections thereto.
4. Contrary to Rule 4 of the Federal Rules of Civil Procedure, Defendant failed to file an answer or otherwise respond

to Plaintiff's Complaint within the period prescribed in the Federal Rules of Civil Procedure. To date, Defendant has yet to file an answer or otherwise respond to Plaintiff's Complaint.

5. A Request for Entry of Default was made on June 13, 2002 in view of Defendant's failure to answer or otherwise respond to Plaintiff's Complaint, and was entered on June 14, 2002. A copy of the Entry of Default by the Clerk of Court is attached hereto and incorporated herein as Exhibit B.

6. Notice of this Motion for Default Judgment is being served upon counsel for Defendant on August 5, 2002, via Federal Express mail and facsimile.

WHEREFORE, Plaintiff QVC, Inc. respectfully requests that default judgment be entered against Defendant, Q Vision Network, Inc., in the form of the Order submitted herewith

Respectfully submitted,

**CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.**

August 5, 2002

By



Manny D. Pokotilow (ID# 13310)
Salvatore Guerriero (ID# 83680)
12th Floor - Seven Penn Center
1635 Market Street
Philadelphia, PA 19103-2212
(215) 567-2010


Attorneys for Plaintiff, QVC, Inc.

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of Plaintiff QVC, Inc.'s Motion for Default Judgment and Proposed Order are being served upon counsel for Defendant Q Vision Network, Inc., via Federal Express mail, postage prepaid and facsimile to:

Ilene J. Lashinsky, Esq.
Hymson & Goldstein, P.C.
14646 N. Kierland Blvd., Suite 255
Scottsdale, AZ 85254

on this 5th day of August 2002.



Salvatore Guerriero

SUMMONS IN A CIVIL ACTION

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

QVC, INC.

v.

Q VISION NETWORK, INC.

RECEIVED

MAY 29 2002

CAESAR, RIVISE, BERNSTEIN
COHEN & POKOTILOW, LTD.

CIVIL ACTION NO. 02-2874

TO: (NAME AND ADDRESS OF
DEFENDANT)

Q Vision Network Inc
7944 East Beck Lane
#140
Scottsdale, AZ 85260

YOU ARE HEREBY SUMMONED and required to serve upon

Plaintiff's Attorney (Name and Address)

Manny D. Pokotilow, Esq.
Caesar, Rivise, Bernstein, Cohen & Pokotilow, Ltd.
Seven Penn Center, 12th Fl., 1635 Market St.
Philadelphia, PA 19103

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

Michael E. Kunz, Clerk of Court

Date: 5/14/02

(By) Deputy Clerk

PATRICIA A. JONES

EXHIBIT

A

Affidavit of Process Server

U.S. District Court, Eastern District of Pennsylvania

(NAME OF COURT)

QVC, Inc.

PLAINTIFF/PETITIONER

Q Vision Network, Inc.

DEFENDANT/RESPONDENT

02-2874

CASE #

I declare that I am a citizen of the United States, over the age of eighteen and not a party to this action. And that within the boundaries of the state where service was effected, I was authorized by law to perform said service.

Service: I served Q Vision Network Inc.
NAME OF PERSON/ENTITY BEING SERVED

with the (document(s))

by serving

Scott Singer

NAME

President

RELATIONSHIP

at ☐ Home☒ Business7944 E. Beck Ln #140, Scottsdale, AZ

on

5/20/02

DATE

at

3:51 P.M.

TIME

Thereafter copies of the documents were mailed by prepaid, first class mail on

DATE

from

CITY

STATE

Manner of Service: ☒ By personally delivering copies to the person/authorized agent of entity being served.

☐ By leaving, during office hours, copies at the office of the person/entity being served, leaving same with the person apparently in charge thereof.

☐ By leaving copies at the dwelling house or usual place of abode of the person being served, with a member of the household 18 or older and explaining the general nature of the papers.

☐ By posting copies in a conspicuous manner to the address of the person/entity being served.

Non-Service: After due search, careful inquiry and diligent attempts at the address(es) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s):

☐ Unknown at Address☐ Evading☐ Moved, Left no Forwarding☐ Other:☐ Address Does Not Exist☐ Service Cancelled by Plaintiff☐ Unable to Serve in a Timely Fashion

Service Attempts: Service was attempted on () DATE TIME () DATE TIME

DATE

TIME

DATE

TIME

DATE

TIME

Description Age: 38 Sex: M Race: W Hgt: 5'9" Wgt: 180 Hair: BRN Glasses: N

I declare under penalty of perjury that the information contained herein is true and correct and this affidavit was executed on

5/21/02

DATE

at Scottsdale

CITY

Arizona

STATE

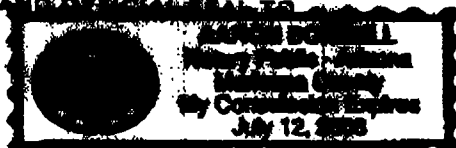
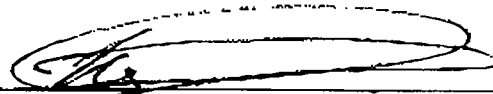


SIGNATURE OF PROCESS SERVER

State of ArizonaCounty of Maricopa

subscribed and sworn before me a notary public, this 21st day of May, 2002

WITNESS MY HAND AND OFFICIAL SEAL TO

NOTARY PUBLIC



FORM 2

NATIONAL ASSOCIATION OF PROFESSIONAL PROCESS SERVERS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FILED

QVC, INC.

Plaintiff,

vs.

Q VISION NETWORK, INC.,

Defendant.

JUN 13 2002

MICHAEL E. KUNZ, Clerk

by Dep. Clerk

Civil Action No. 02-CV-2874

REQUEST FOR ENTRY OF DEFAULT

To : Clerk of Court
United States District Court
Eastern District of Pennsylvania
U.S. Courthouse
601 Market Street, Room 2609
Philadelphia, PA 19106-1797

RECEIVED

JUN 17 2002

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.

Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, Plaintiff QVC, Inc. respectfully requests entry of default against Defendant Q Vision Network, Inc.

This request is based on the grounds set forth in the Affidavit of Salvatore Guerriero, which is attached hereto as Exhibit A and is incorporated herein by reference.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.

June 13, 2002

By

Salvatore Guerriero
Manny D. Pokotilow (ID# 13310)
Salvatore Guerriero (ID# 83680)
Seven Penn Center - 12th Floor
1635 Market Street
Philadelphia, PA 19103-2212
(215) 567-2010
Attorneys for Plaintiff,
QVC, Inc.

EXHIBIT

B

DEFAULT ENTERED

MICHAEL E. KUNZ, Clerk

Date: 6.14.02 By: Deputy Clerk